IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17391 of 2004(U)

PETITIONERS:
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1. **NITHIA SAHAYA MATHA CHURCH,**
   P.O. MATTATHUR, REP.BY ITS VICAR
   FR.ANTO G. ALAPPAT, THRISSUR DISTRICT.

2. **N.A. LONAKUTTY, NEDUMBAKARAN HOUSE,**
   MATTATHURKUNNU P.O., MATTATHUR VILLAGE,
   THRISSUR DISTRICT.

3. **T.L. JOSE, THEKINIYATH HOUSE,**
   MATTATHURKUNNU P.O., MATTATHUR VILLAGE,
   THRISSUR DISTRICT.

BY ADV. SRI.SHEEJO CHACKO,
SRI.M.N.MANOJ.

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY ITS SECRETARY**
   TO FOREST DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE PRINCIPAL CONSERVATOR OF**
   FOREST (D & P) THIRUVANANTHAPURAM.

3. **DIVISIONAL FOREST OFFICER,**
   CHALAKUDY.

4. **DISTRICT COLLECTOR, THRISSUR.**

5. **REVENUE DIVISIONAL OFFICER,**
   THRISSUR.

W.P.(C). NO.17391/2004:

6. **ENVIORNMENTAL ENGINEER,**
   KERALA STATE POLLUTION CONTROL BOARD,
   DISTRICT OFFICE, THRISSUR.

7. **GEOLOGIST MINING & GEOLOGY**
   DEPARTMENT OF THRISSUR.

8. **MATTATHUR GRAMA PANCHAYAT, REP. BY ITS**
   SECRETARY, P.O. MATTATHUR,
   THRISSUR DISTRICT.

9. **THE SUB INSPECTOR OF POLICE,**
   KODAKARA.

10. **BALAKRISHNAN NAIR, S/O. GOPALAMENON**
    SHANBA NIVAS, MANAKARA VILLAGE,
    MANNAMPARIYARAM DESOM.

11. **PRAKASHAN, S/O. PRABHAKARAN,**
    KAITHAYIL VEEDU, MANAKULANGARA DESOM,
    KODAKARA.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
SRI.K.DIVAKARAN FOR R8,
SRI.M.C.JOHN FOR R.10 & R.11,
SRI. M.K. CHANDRAMOHAN DAS, S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.17391/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: ROUGH SKETCH SHOWING THE LIE AND NATURE OF THE CHURCH AND FOREST LAND.

EXT.P.2: COPY OF THE LETTER DTD. 16/11/96 ADDRESSED TO D.F.O. CHALAKUDY.

EXT.P.3: COPY OF THE LETTER DTD. 18/11/96 ISSUED BY THE CIRCLE INSPCTOR OF POLICE, PUDUKKAD.

EXT.P.4: COPY OF THE COMPLAINANT DTD. 08/11/99.

EXT.P.5: COPY OF THE F.I.R IN CRIME NO. 107/2004 OF KODAKARA POLICE STATION.

EXT.P.6: COPY OF THE SCENE MAHAZAR PREPARED BY S.I. OF POLICE, KODAKARA.

EXT.P.7: COPY OF THE COMPLAINT FILED BEFORE 07/04/2004.

EXT.P.8: COPY OF THE NEWS ITEM PUBLISHED IN DEEPIKA DAILY DTD. 08/04/2004.

EXT.P.9: COPY OF THE NEWS ITEM APPEARED IN MATHRUBHUMI DAILY DD. 08/042004.

EXT.P.10: COPY OF THE NEWS ITEM PUBLIHSED IN MALAYALA MANORAMA DAILY ON 08/04/2004.

EXT.P.11: COPY OF THE REPRESENTATION FILED BEFORE THE DISTRICT COLLECTOR DTD. 17/05/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.17391 of 2004

Dated 7th June, 2007.

J U D G M E N T

Petitioners are aggrieved by the alleged unauthorised quarrying and blasting operations conducted by respondents 10 and 11. Counsel appearing for respondents 10 and 11 submits that the operations are conducted as duly permitted by the authorities. It is seen that the 5th respondent had already issued a direction to the police to take urgent action to stop quarrying and blasting of granite using explosives in the reserve forest area. Be that as it may, in case the petitioners have still any grievance left, they may approach respondents 5, 6 and 8, in which case, the matter will be duly looked into by those respondents with notice to the petitioners as well as respondents 10 and 11 and any other affected party, and appropriate action will be taken to see that there is no violation of the rules and there is no pollution caused by respondents 10 and 11 or any other person. The needful as above shall be done within four months from the date of production of a copy of the judgment, along with the complaint.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO. 2

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 7th June, 2007.